



AGENDA

Ordinary Council Meeting Thursday, 8 February 2024

Date: Thursday, 8 February 2024

Time: 4:00pm

**Location: Council Chamber
110 Massingham Street
Kellerberrin WA 6410**

Shire of Kellerberrin

Ordinary Council Meeting 8th February 2024

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Kellerberrin will be held on Thursday, 8th February 2024 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 4:00pm.

John Merrick
Acting Chief Executive Officer
Friday, 2 February 2024

Disclaimer

The Shire of Kellerberrin warns that anyone who has any application lodged with the Shire of Kellerberrin must obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Kellerberrin in respect of the application.

Signed Chief Executive Officer

**DECLARATION OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR
INTEREST AFFECTING IMPARTIALITY**

Chief Executive Officer, Shire of Kellerberrin

In accordance with Section 5.60-5.65 of the *Local Government Act* and Regulation 34(B) and 34(C) of the *Local Government (Administration) Regulations*, I advise you that I declare a (☒ appropriate box):

☐ financial interest (Section 5.60A)

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

☐ proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —

- (a) change to a planning scheme affecting land that adjoins the person's land;
- (b) change to the zoning or use of land that adjoins the person's land; or
- (c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

☐ interest affecting impartiality/closely associated persons (Regulation 24C). I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include a financial or proximity interest as referred to in section 5.60.

in the following Council / Committee Meetings to be held on _____

in Item number/s _____

the *nature* of the interest being _____

☐ Further, that I wish to remain in the Chamber to participate in proceedings. As such, I declare the extent of my interest as being:

Yours faithfully

(Councillor's signature)

Councillor's Name

The *Local Government Act* provides that it is the member's obligation to declare the Nature of an interest if they believe that they have a financial interest, proximity interest, closely associated persons or an interest affecting impartiality in a matter being discussed by Council.

The Act provides that the Nature of the interest may be declared in writing to the Chief Executive Officer prior to the meeting or declared prior to discussion of the Agenda Item at the meeting. The Act further provides that the Extent of the interest needs to be declared if the member seeks to remain in the Chamber during the discussion, debate or voting on the item.

A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings.

The decision of whether to disclose a financial interest is yours and yours alone. Nobody can disclose for you and you can not be forced to make a disclosure.

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1 DECLARATION OF OPENING**2 ACKNOWLEDGEMENT OF COUNTRY**

We begin today by acknowledging the Ballardong Noongar people as traditional custodians of the land and skies on which we gather, and we pay our respects to their elders, past, present and emerging.

3 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**4 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE****5 DECLARATION OF INTEREST**

Note: Under Section 5.60 – 5.62 of the Local Government Act 1995, care should be exercised by all Councillors to ensure that a “financial interest” is declared and that they refrain from voting on any matters which are considered may come within the ambit of the Act.

A Member declaring a financial interest must leave the meeting prior to the matter being discussed or voted on (unless the members entitled to vote resolved to allow the member to be present). The member is not to take part whatsoever in the proceedings if allowed to stay.

6 PUBLIC QUESTION TIME

Council conducts open Council meetings. Members of the public are asked that if they wish to address the Council that they state their name and put the question as precisely as possible. A maximum of 15 minutes is allocated for public question time. The length of time an individual can speak will be determined at the President's discretion.

6.1 Response to Previous Public Questions taken on Notice**6.2 Public Question Time**

7 CONFIRMATION OF PREVIOUS MEETINGS MINUTES**7.1 MINUTES OF THE COUNCIL MEETING HELD ON 19 DECEMBER 2023**

File Ref: MIN
Author: Michelle Wilson, Executive Assistant
Authoriser: John Merrick, Acting Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 19 December 2023

STAFF RECOMMENDATION

That the Minutes of the Council Meeting held on 19 December 2023 be received and the recommendations therein be adopted.

8 PRESENTATIONS

8.1 Petitions

8.2 Presentations

8.3 Deputations

9 REPORTS OF COMMITTEES

Nil

10 CORPORATE SERVICES REPORTS

10.1 STATUS REPORT OF ACTION SHEET

File Ref: Various
Author: Michelle Wilson, Executive Assistant
Authoriser: John Merrick, Acting Chief Executive Officer
Attachments: 1. Status Report - February 2024

BACKGROUND

Council at its March 2017 Ordinary Meeting of Council discussed the use of Council's status report and its reporting mechanisms.

Council therefore after discussing this matter agreed to have a monthly item presented to Council regarding the Status Report which provides Council with monthly updates on officers' actions regarding decisions made at Council.

It can also be utilised as a tool to track progress on Capital projects.

STAFF COMMENT

This report has been presented to provide an additional measure for Council to be kept up to date with progress on items presented to Council or that affect Council.

Council can add extra items to this report as they wish.

The concept of the report will be that every action from Council's Ordinary and Special Council Meetings will be placed into the Status Report and only when the action is fully complete can the item be removed from the register. However the item is to be presented to the next Council Meeting shading the item prior to its removal.

This provides Council with an explanation on what has occurred to complete the item and ensure they are happy prior to this being removed from the report.

TEN YEAR FINANCIAL PLAN

There is no direct impact on the long term financial plan.

FINANCIAL IMPLICATIONS

Financial Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

STATUTORY IMPLICATIONS

NIL known at this time.

STAFF COMMENT

This report has been presented to provide an additional measure for Council to be kept up to date with progress on items presented to Council or that affect Council.

Council can add extra items to this report as they wish.

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STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

- (1) The council —
 - (a) Directs and controls the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

Section 2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,
- (c) has —
- (d) a direct or indirect financial interest in the matter; or
- (e) a proximity interest in the matter.

[Section 5.60 inserted by No. 64 of 1998 s. 30.]

5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

5.60B. Proximity interest

(1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

(2) In this section, land (**the proposal land**) adjoins a person's land if —

- (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
- (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
- (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.

(3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No. 64 of 1998 s. 30.]

5.61. Indirect financial interests

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

5.62. Closely associated persons

(1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —

- (a) the person is in partnership with the relevant person; or
- (b) the person is an employer of the relevant person; or
- (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
- (ca) the person belongs to a class of persons that is prescribed; or
- (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,whichever is less;

or

(e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or

(ea) the relevant person is a council member and the person —

- (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or

- (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
 - or
 - (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
 - or
 - (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.
- (2) In subsection (1) —
- notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;
- value**, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.
- [Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]*

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers;
 - (b) an interest in the imposition of any rate, charge or fee by the local government;
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
 - [(e) deleted]*
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;

(b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
(c) the proposed development of that land or any land adjacent to that land,
then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —

(a) any proposed change to a planning scheme for any area in the district;
(b) any proposed change to the zoning or use of land in the district; or
(c) the proposed development of land in the district,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]

[5.64. Deleted by No. 28 of 2003 s. 112.]

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting; or
(b) at the meeting immediately before the matter is discussed.

Penalty: \$10 000 or imprisonment for 2 years.

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —

(a) that he or she had an interest in the matter; or
(b) that the matter in which he or she had an interest would be discussed at the meeting.

- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
(b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
(b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.

Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

(4) A person must not contravene a condition imposed by the Minister under this section.

Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. Employees to disclose interests relating to advice or reports

(1) In this section —

employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.

Penalty: \$10 000 or imprisonment for 2 years.

5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and

(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10 000 or imprisonment for 2 years.

STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Manager Works and Services
- Council Staff
- Council
- Community Members.

STAFF RECOMMENDATION

That Council receive the status report.

10.2 CHEQUE LIST DECEMBER 2023

File Ref: N/A
Author: Nikayla Ovens, Finance Officer
Authoriser: Morgan Ware, Manager of Governance
Attachments: 1. Payment List - December 2023 (under separate cover)

BACKGROUND

Accounts for payment from 1st December – 31st December 2023

TRUST

Trust Total	\$43,489.50
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MUNICIPAL FUND

Cheque	\$42,368.26
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EFT	\$893,203.90
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Direct Debit	\$565,066.67
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Municipal Total	\$1,500,638.83
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STAFF COMMENT

During the month of December 2023, the Shire of Kellerberrin made the following significant purchases:

Please note the Shire of Kellerberrin is the host to Wheatbelt Secondary Freight Network (WSFN), costs associated are reimbursed as per contractual agreement.

Mineral Crushing Services WA PTY LTD	
Supply and Deliver 101 Tonne of 10mm Aggregate – Capital Works	\$ 5,888.30
DS Agencies Pty Ltd	
120lt Frame Bin Enclosures	\$ 5,940.00
Smith Earthmoving Pty Ltd	
Rehabilitation of Gravel Pits	\$ 6,512.00
Water Corporation	
Water Usage and Standpipe Charges - Doodlakine Standpipe 06/10/2023-28/11/2023	\$ 6,513.48
Ozwide Trading Group (MRT Perth)	
WSFN Manager - Ute Modifications	\$ 6,626.00
Realmark Commercial	
WSFN - Rent and Variable Outgoings for Unit 37/5 Keane Street January 2024	\$ 6,709.27
R Munns Engineering Consulting Services	
Consulting Services Fees – Capital Works: Hammond and Connelly Street Projects	\$ 9,733.46
PowerVac	
IPC CT40 Battery Scrubber 50cm 40L Self Propelled	\$ 9,746.00
R Munns Engineering Consulting Services	
Consultant Service Fees – Capital Works: Goldfields and Doodlakine South	\$ 9,955.33
Avon Waste	
Domestic Collections November 2023	\$ 10,505.16
Downer EDI Works Pty Ltd	
Wet mixing and Mobilisation Costs – Capital Works: Hammond & Connelly Projects	\$ 12,208.82
WCS Concrete Pty Ltd	
Minimal Exposure hit and miss industrial low gloss finish for Recreation Centre Flooring.	\$ 13,860.00
Blackwell Plumbing & Gas Pty Ltd	
Replace and lower manhole lids for road construction – Capital Works: Connelly	\$ 14,630.00

Water Corporation	
Standpipe Charges and Water Usage – GEH Standpipe 16/10/2023-07/12/2023	\$ 15,235.95
Youlie and Son Contracting	
Equipment & Labour Hire November 2023	\$ 16,879.50
Rockway Contracting	
Mulching Kwolyin West Road	\$ 19,013.00
United Card Services Pty Ltd	
Fuel Card Purchases for the Month of November 2023	\$ 20,784.69
Fire And Emergency Services (WA)	
2023/24 ESL Quarter 2 Contribution	\$ 25,426.72
Downer EDI Works Pty Ltd	
Wet mixing of Doodlakine South Road – Capital Works	\$ 30,106.93
Smith Earthmoving Pty Ltd	
Hire of dozer to push up Gravel Pits	\$ 39,688.00
It Vision Australia Pty Ltd	
Synergy Soft & Universe Annual License Fees 23/24	\$ 58,195.48
Stirling Asphalt (Juel Enterprises PTY LTD)	
Profile Hammond Street & Doodlakine South for Asphalt laying – Capital Works	\$ 65,152.07
Colas WA Pty Ltd	
Sealing of Capital Road Projects – Hammond, Connelly, and Doodlakine South	\$ 155,954.11
Geraldine Nominees T/AS Daimler Trucks Perth	
Purchase of 2023 ROSA Deluxe LWB 25 Seat Bus – Capital Purchase	\$ 183,353.24

TEN YEAR FINANCIAL PLAN

There is no direct impact on the Long-Term Financial Plan

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2023/2024 Operating Budget

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
 - (a) Subject to sub-regulation (4), are not to be made in cash; and
 - (b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
- (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
- (a) The payee's name;
 - (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;And
 - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities, and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Finance Officer

STAFF RECOMMENDATION

That Council notes that during the month of December 2023, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.

1. *Municipal Fund payments totalling **\$1,500,638.83** on vouchers EFT, CHQ, Direct payments*
2. *Trust Fund payments totalling **\$43,489.50** on vouchers EFT, CHQ, Direct payments*

10.3 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - DECEMBER 2023

File Number: N/A
Author: Brett Taylor, Senior Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of December 2023.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1/12/2023	3E Advantage	WSFN Copier Rental		246.40
1/12/2023	Shire of Kellerberrin	Pay Run		836.36
4/12/2023	Shire of Kellerberrin	Precision Superannuation		1.54
5/12/2023	Department of Communities	Rent		420.00
7/12/2023	Shire of Kellerberrin	Precision Superannuation		70,975.73
8/12/2023	ATO	November BAS		44,237.00
8/12/2023	Shire of Kellerberrin	Creditors Payment		82,062.41
11/12/2023	Shire of Kellerberrin	Precision Superannuation		13,142.34
14/12/2023	Shire of Kellerberrin	Creditors Payment		495,566.40
19/12/2023	Department of Communities	Rent		420.00
20/12/2023	Nayax Australia	Vending Machine Caravan Park		38.17
20/12/2023	Vicki Philipoff Settlements	Purchase Units 35 Hammond Street		467,540.20
21/12/2023	Shire of Kellerberrin	Pay Run		68,343.32
22/12/2023	Shire of Kellerberrin	Precision Superannuation		24,624.49
22/12/2023	Shire of Kellerberrin	Creditors Payment		315,575.09
29/12/2023	NAB	B-Pay Charge		42.32
29/12/2023	NAB	Account Fees - Trust		10.00
29/12/2023	NAB	Account Fees - Muni		61.70
29/12/2023	NAB	Merchant Fees -Trust		1.61
29/12/2023	NAB	Merchant Fees - Pool		30.79
29/12/2023	NAB	Merchant Fees - Muni		63.60
29/12/2023	NAB	Merchant Fees - Caravan Park		72.77
29/12/2023	NAB	Merchant Fees - CRC		317.07
29/12/2023	NAB	NAB Connect Fees		67.98
TOTAL			\$	<u>1,584,697.29</u>

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Dec-23	Department of Transport	Licencing Payments December 2023		41,789.50
TOTAL			\$	<u>41,789.50</u>

Visa Transactions

Date	Name	Details	\$	Amount
06-Dec-23	Swan Towing Service Pty Ltd	Towing of Mitsubishi Rosa Bus KE1		1,298.00
15-Dec-23	Braille Tactile Signs	Signage Toilet Doors Rec Centre		296.59
19-Dec-23	Shire of Kellerberrin	Licencing New Bus KE1		37.80
28-Dec-23	NAB	Card Fee		9.00
TOTAL - CEO			\$	<u>1,641.39</u>

Date	Name	Details	\$	Amount
19-Dec-23	United Fuels	Refreshments Bush Fire Mt Caroline		302.00
28-Dec-23	NAB	Card Fee		9.00
		TOTAL - MOG		311.00
Date	Name	Details		Amount
28-Dec-23	NAB	Card Fee		9.00
		TOTAL -WSFN PROGRAMME MANAGER		9.00
Date	Name	Details		Amount
27-Dec-23	AR Hospitality Midland	Meals WSFN Programme Director		263.00
28-Dec-23	NAB	Card Fee		9.00
		TOTAL -WSFN PROGRAMME DIRECTOR		272.00
		TOTAL VISA TRANSACTIONS	\$	2,233.39

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of December 2023.

Please note The Shire of Kellerberrin is the host to Wheatbelt Secondary Freight Network (WSFN), costs associated are reimbursed as per contractual agreement.

TEN YEAR FINANCIAL PLAN

There is no direct implication on the Long-Term Financial Plan.

FINANCIAL IMPLICATIONS

Financial Management of 2023/2024 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and

- (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities, and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place.

- Chief Executive Officer
- Manager of Governance
- Senior Finance Officer

STAFF RECOMMENDATION

That Council note the direct debit list for the month of December 2023 comprising of,

- (a) Municipal Fund – Direct Debit List*
- (b) Trust Fund – Direct Debit List*
- (c) Visa Card Transactions*

10.4 FINANCIAL ACTIVITY STATEMENT - DECEMBER 2023

File Number: FIN
Author: Brett Taylor, Senior Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Attachment Item 10.4

BACKGROUND

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis, and are to include the following:

- Annual budget estimates
- Budget estimates to the end of the month in which the statement relates.
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates.
- Material variances between budget estimates and actual revenue/expenditure (including an explanation of any material variances)
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

Council's July 2023 Ordinary Meeting of Council – 18th July 2023

MIN 001/23 MOTION - Moved Cr. Forsyth Seconded Cr. Reid

That Council:

PART F – MATERIAL VARIANCE REPORTING FOR 2023/2024

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2023/2024 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

STAFF COMMENT

Pursuant to Section 6.4 of the Local Government Act 1995 (the Act) and Regulation 34(4) of the Local Government (Financial Management) Regulations 1996 (the Regulations), a local government is to prepare, monthly, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted / amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year-to-date basis for the period ending 31st December 2023.

TEN YEAR FINANCIAL PLAN

Financial Management of 2023/2024 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2023/2024 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

- (1A) In this regulation —
committed assets means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c).
 - (b) budget estimates to the end of the month to which the statement relates.
 - (c) actual amounts of expenditure, revenue, and income to the end of the month to which the statement relates.
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets.
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity be shown —
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities, and we are innovative to ensure our relevancy and destiny.

COMMUNITY CONSULTATION

The following consultation took place.

- Chief Executive Officer
- Manager of Governance
- Senior Finance Officer
- LG Corporate Solutions

STAFF RECOMMENDATION

That Council adopt the Financial Report for the month of December 2023 comprising.

- (a) Statement of Financial Activity*
- (b) Note 1 to Note 13*

10.5 FEES AND CHARGES UPDATE

File Ref: FIN04
Author: Morgan Ware, Manager of Governance
Authoriser: John Merrick, Acting Chief Executive Officer
Attachments: Nil

BACKGROUND

In accordance with Regulation 5(2) of the Local Government (Financial Management) Regulations, a local government is to undertake a review of its fees and charges regularly; and not less than once in every financial year. This report provides the council with a recommended Schedule of amended/additional Fees and Charges to apply from 1st January 2024, for its consideration.

Council adopts fees and charges as part of its annual budget process, though fees and charges can be imposed or amended at any stage of the financial year provided the proposed changes are advertised accordingly (absolute majority required).

Council's 20th June 2023 – June Ordinary Meeting of Council

MIN 062/23 MOTION - Moved Cr. Leake Seconded Cr. Ryan

That Council;

- 1) **Adopts the fees and charges for 2023/24 as presented; and**
 - a. **Increases the Rubbish Charges Domestic & Commercial to \$250 per service; and**
 - b. **Increases the Rubbish Charges Additional Bin fee to \$275 per service**
- 2) **Include the fees and charges in the 2023/24 Draft Budget.**

CARRIED 7/0

BY ABSOLUTE MAJORITY

STAFF COMMENT

Council's administration is required to review its fees and charges due to the recent purchase of 35 Hammond Street Units inclusive of A, B & C.

On transfer of ownership, all units were occupied with long term tenants for \$300 per week inclusive of electricity consumption charges and water.

Council's Management recommends that the below be included into Councils 2023/24 fees and charges;

Property	Inclusions	Price	Employee Subsidised Rate
35 Hammond Street Units (Fully furnished)	Water & Electricity	\$350/week	\$175/week
35 Hammond Street Units (No furnishings)	Water & Electricity	\$300/week	\$150/week

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2023/2024 Budget will be affected due to new fees.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

STRATEGIC COMMUNITY PLAN

Council's Vision – To welcome diversity, culture and industry; promote a safe and prosperous community with a rich, vibrant and sustainable lifestyle for all to enjoy.

Core Drivers - Core drivers identify what Council will be concentrating on as it works towards achieving Council's vision. The core drivers developed by Council are:

1. *Relationships that bring us tangible benefits (to the Shire and our community)*
2. *Our lifestyle and strong sense of community.*
3. *We are prepared for opportunities and we are innovative to ensure our relevancy and destiny*

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Council

STAFF RECOMMENDATION

That Council;

1. *Adopts the amendment to Councils fees and charges for 2023/24 as per the following;*
 - a. *35 Hammond Street Units (Fully Furnished) - \$350/week*
 - b. *35 Hammond Street Units (Fully Furnished) - \$175/week – Employee subsidy*
 - c. *35 Hammond Street Units (No Furnishings) - \$300/week*
 - d. *35 Hammond Street Units (No Furnishings) - \$150/week – Employee subsidy*
2. *Incorporate the new fees and charges into the Fees and Charges 2023/2024 document.*
3. *Advertise the new charges on Council Website, Noticeboard, CRC, Ratepayers and all Social Media Platforms.*

**10.6 COMMITTEE REPRESENTATION - AUDIT, RISK & GOVERNANCE COMMITTEE
INDEPENDENT MEMBER**

File Ref: Nil
Author: Morgan Ware, Manager of Governance
Authoriser: John Merrick, Acting Chief Executive Officer
Attachments: Private & Confidential Attachments

BACKGROUND

The *Local Government Act 1995 (the Act)* requires that all local governments have an audit committee. The audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

Following the *Local Government Reform in 2022*, Local Governments are required to have an independent member on the Audit Committee, to provide a greater level of oversight and transparency. Having at least one external member on the audit committee has been a long-established practice in other states, and Local Governments in Western Australia have been increasingly moving in that direction over the past five (5) years. External members are appointed for a period of two (2) years, in line with the normal terms of office for Council.

The Audit, Risk and Governance Committee comprises a minimum of four (4) elected members. Council is seeking expressions of interest for an external person on the committee, which will take the total number of committee members to a minimum of five (5) and a maximum of eight (8).

Council's October 2023 Ordinary Meeting of Council – 24th October 2023

MIN 112/23 MOTION - Moved Cr. Reid Seconded Cr. Leake

That Council appoint the following members to committees/groups/panels

Audit Committee

That Audit Committee comprises full Council

Behaviour Complaints Committee

Council's representatives on the Behaviour Complaints Committee are:

Delegate – Cr. Steber

Delegate – Cr. Ryan

Delegate – Cr. Pryer

Delegate – Cr. Reid

Deputy Delegate – Cr. Brown

Deputy Delegate – Cr. Gardiner

Emergency Committee

Council's representatives on the Emergency Committee comprise of:

Delegate - Cr. Steber

Delegate – Cr. Ryan

Deputy Delegate – Cr. Leake

Great Eastern Country Zone – Western Australian Local Government Association

Council Delegate to the Great Eastern Country Zone of WALGA comprise of:

Delegate - Cr. Ryan

Delegate - Chief Executive Officer

Deputy Delegate – Cr. Reid

Regional Road Group

Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:

Delegate - Cr. Steber

Deputy Delegate – Cr. Brown

Local Emergency Management Committee (LEMC)

Council's representatives on the Local Emergency Management Committee comprise of:

Delegate - Cr. Leake

Deputy Delegate – Cr. Brown

Wheatbelt Eastern Regional Organisation of Councils (WEROC)

Council's representatives on the Wheatbelt East Regional Organisation of Councils are:

Delegate - Cr. Ryan

Delegate - Chief Executive Officer

Deputy Delegate – Cr. Steber

Sport & Recreation Steering Committee

Council's representatives on the Sport and Recreation Steering Committee are:

Delegate - Cr. Reid

Deputy Delegate – Cr. Pryer

Local Hospital Advisory Group (L-HAG)

Council's representative on the Local Health Advisory Group is:

Delegate - Cr. Gardiner

Deputy Delegate – Cr. Pryer

Regional Development Assessment Panel

Council's representatives on the Regional Development Assessment Panel are:

Delegate - Cr. Leake

Deputy Delegate – Cr. Gardiner

Central East Aged Care Committee (CEACA)

Council's representatives on the Central East Aged Care Committee are:

Delegate - Cr. Gardiner

Deputy Delegate Cr. Steber

Roadworks Advisory Committee

Councils representatives on the Roadworks Advisory Committee are:

Delegate - Cr. Steber

Delegate - Cr. Reid

Delegate - Cr. Brown

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

STAFF COMMENT

The Shire advertised an expression of interest seeking to appoint one (1) suitably qualified and experienced independent person to join its Audit, Risk and Governance Committee. This was advertised for a period of five (5) weeks on Councils website, noticeboards, social media and local newsletter.

The membership requirements for an external member are as per the following exert;

Membership

*The committee will consist of *four members with three elected and *one external person. All members shall have full voting rights.*

**External persons appointed to the committee will have business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements.*

**Appointment of external persons shall be made by council by way of a public advertisement and be for a maximum term of two years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to council's elected representatives.*

**Reimbursement of approved expenses will be paid to each external person who is a member of the committee.*

The CEO and employees are not members of the committee.

The CEO or his/her nominee is to be available to attend meetings to provide advice and guidance to the committee.

The local government shall provide secretarial and administrative support to the committee.

Council received four (4) expressions of interest for the Independent member of the Audit, Risk and Governance Committee for Council to assess and appoint.

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Nil known at this time.

STATUTORY IMPLICATIONS**Local Government Act 1995****Subdivision 2 — Committees and their meetings****5.10. Appointment of committee members**

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefit s (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Council
- Chief Executive Officer
- Manager of Governance

STAFF RECOMMENDATION

That Council in accordance with the provisions of the Local Government Act 1995,

- a) appoint _____ as the Independent member of the Audit, Risk and Governance Committee; and
- b) Advertise the appointment of the Independent Member.

10.7 NOISE COMPLAINTS - LOST IN BETWEEN NYE EVENT

File Ref: ADM
Author: John Merrick, Acting Chief Executive Officer
Authoriser: John Merrick, Acting Chief Executive Officer
Attachments: Nil

BACKGROUND

An approval was provided to DS Events P/L to stage an event at Hayshed Hill over the 2024 New Year long weekend and which attracted four formal written complaints and several verbal complaints relating to noise.

STAFF COMMENT

The music at the event continued over the three days and which negatively impacted residents through the early hours of each morning, particularly those working shifts.

The organisers were asked to provide a response to these complaints which was referred to the property owner, Mr Peter Mitchel, who has attended the Shire office.

Mr Mitchel acknowledged that the base settings on the amplifiers were at a level which enhanced noise and that he was able to control these settings at future events.

Almost all of the complaints referred to the "doof doof" as being the issue and, while annoying, this aspect does not exceed noise regulations.

Irrespective of Mr Mitchell's suggestion that he is able to control this aspect of the entertainment, Council may wish to consider other conditions for approval of future events such as placing a daily time limit on the music.

From Mr Mitchell's perspective, the event was an enormous success which attracted significant numbers to town, all of whom contributed to local businesses.

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

This event is subject to the provisions of the Health (Miscellaneous Provisions) Act 1911 and the Health (Public Buildings) Regulations 1992.

STRATEGIC COMMUNITY PLAN

The event contributes to increased economic opportunities for local business.

COMMUNITY CONSULTATION

Shire Health Consultants, event organisers and the community.

ABSOLUTE MAJORITY REQUIRED – YES/NO

No

STAFF RECOMMENDATION

That Council considers how it would like future event applications handled by the administration.

10.8 PETITION - DR. A. D. VAN BALLEGOOYEN

File Ref: Nil
Author: John Merrick, Acting Chief Executive Officer
Authoriser: John Merrick, Acting Chief Executive Officer
Attachments: Private & Confidential Attachment

BACKGROUND

A petition was presented to the administration by Mrs. Joy Van Ballegooyen on Thursday 1st February 2024. The petition contains 442 signatures, 94 of whom are not Kellerberrin residents.

STAFF COMMENT

The petition is attached in its entirety and refers to a decision of Council to replace Dr. Van Ballegooyen, however, Council has never resolved to replace Dr. Van Ballegooyen at any time.

The use of the wording in the first line of the petition itself which states “This petition is designed to express our concerns regarding the decision to replace Dr Van Ballegooyen.”, would certainly influence potential signatories.

Unfortunately, Council is unable, at this time, to provide the community with factual information in regard to the long term future of secure medical services to Kellerberrin due to commercial confidentiality.

TEN YEAR FINANCIAL PLAN

TBA

FINANCIAL IMPLICATIONS

Nil known at this time

STATUTORY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

Services available to the community

COMMUNITY CONSULTATION

TBA

ABSOLUTE MAJORITY REQUIRED – YES/NO

No

STAFF RECOMMENDATION

That Council advise the nominated petitioner that the wording of the petition contains inaccuracies that may be reasonably expected to influence potential signatories, and that it would be pleased to discuss an alternative process face to face, at the earliest opportunity.

10.9 KELLERBERRIN WIND FARM

File Ref: TPLAN08
Author: John Merrick, Acting Chief Executive Officer
Authoriser: John Merrick, Acting Chief Executive Officer
Attachments: Nil

BACKGROUND

Preliminary discussions have been undertaken with a developer for the construction of a wind farm northwest of the Kellerberrin townsite on land currently zoned “General Agriculture”.

Council does not currently have a planning policy which covers the development of wind farms, and given the complex nature of this proposed development, perhaps a formal policy would provide guidelines to ensure that all parties are protected throughout the entire process.

The Shire of Kellerberrin Local Planning Scheme No 4, Section 3.2.6(b) provides for Council consideration of non-agricultural uses where there is a benefit to the district and is not detrimental to either natural resources or the environment.

While the development of wind farms is not specifically mentioned within the “Interpretation of Zoning Table”, Council may determine that this project:

- a) is consistent with the objectives, or
- b) may be consistent subject to advertising under the deemed provisions.

STAFF COMMENT

The development of a formal policy would provide a framework for the assessment, approval, and regulation of wind farms within the Shire of Kellerberrin, and ensure that such projects proceed in a manner which minimises negative impacts and maximises the benefits to the community and the environment.

Such a policy should be developed as a Local Planning Policy under the Scheme, and while it does not bind Council in respect of any application for approval, due regard is to be given to the provisions and objectives of the policy before making a determination.

Over the past ten years, several WA Local Governments have adopted a formal policy which addresses their particular local issues and concerns and is largely generic.

A draft policy has been developed and attached for Council consideration where the objectives largely determine the process to be followed by the proponent and include the following;

- Community Consultation – with the Shire, residents, Main Roads WA, CASA, spraying contractors, nearby airstrip owners and relevant community groups.
- Environmental Impact – including interaction with all forms of local flora and fauna, existing rare or endangered species, extent of any “cut and fill”, and decommissioning.
- Visual and Landscape Impact – demonstrate visual impact through super-imposed photography, consideration of driver safety on surrounding roads, tower location in relation to proximity of adjoining properties, and turbine blade rotation.
- Noise Impact – provision of a qualified noise impact statement, submission of a noise mitigation plan, and an acknowledgement that future development on adjoining property may result in operational changes to meet noise regulations.
- Other Potential Impacts – environmental and local amenity issues could arise through blade flickering, shadowing and reflection. Farming activities could be impacted through stock movements, aerial crop spraying, and proximity to private air strips.

- Local Roads and Public Infrastructure – provision of an existing roads condition report and a commitment to “make good” any damage to local roads through increased usage, particularly during the construction phase. Acknowledge by the proponent that the Local Government may require payment/re-imbursement of costs associated with damage, widening or upgrading of local roads impacted by the development.
- Decommissioning Program – the Development Application should outline existence of a decommissioning plan for the removal of all turbines and the rehabilitation of the land to pre-development condition at the end of its lifecycle.

TEN YEAR FINANCIAL PLAN

Yet to be established.

FINANCIAL IMPLICATIONS

Council could reasonably expect that its annual budget will reflect both income and expenditure associated with a development of this magnitude, however, until the full details of how the project will proceed are known, actual performance cannot be calculated.

POLICY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No 4 provides the basis for orderly development across the district through dedicated land use zones and sets out the planning requirements which may apply to a particular use or development in each given zone. It is suggested that Council may be well served by implementing/adopting a specific Local Planning Policy specifically for the development of wind farms.

STATUTORY IMPLICATIONS

A Local Planning Policy is linked to the TPS through the Planning and Development Act 2005 and would require Council to pay due regard to that policy in its determination of applications.

STRATEGIC COMMUNITY PLAN

Provides an opportunity for facilitation of the creation of employment and economic growth.

CORPORATE BUSINESS PLAN IMPLICATIONS (Including Workforce Plan and Asset Management Plan Implications)

Provides guidelines for development which benefits all sections of the community.

COMMUNITY CONSULTATION

Provides for broad consultation.

STAFF RECOMMENDATION

That Council considers the attached draft Local Planning Policy No1 – Wind Farms, makes any desired omissions or additions, and forwards the Plan to its Planning Consultant for review prior to formally adopting the Policy.

10.10 BUILDING REPORTS DECEMBER 2023

File Ref: BUILD06
Author: Jacki Peak, Administration Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council has provided delegated authority to the Chief Executive Officer, which has been delegated to the Building Surveyor to approve of proposed building works which are compliant with the *Building Act 2011*, Building Code of Australia and the requirements of the Shire of Kellerberrin Town Planning Scheme No.4.

STAFF COMMENT

1. There were zero (0) applications received for a "Building Permit" during the December period.
2. There were zero (0) "Building Permit" issued in the December period.

TEN YEAR FINANCIAL PLAN

There is no direct impact on the Long Term Financial Plan.

FINANCIAL IMPLICATIONS

There is income from Building fees and a percentage of the levies paid to other agencies.

ie: "Building Services Levy" and "Construction Industry Training Fund" (when construction cost exceeds \$20,000).

STATUTORY IMPLICATIONS

- Building Act 2011
- Shire of Kellerberrin Town Planning Scheme 4

STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors
- Chief Executive Officer

STAFF RECOMMENDATION

That Council;

- 1. Acknowledge the "Return of Proposed Building Operations" for the December 2023 period.*
- 2. Acknowledge the "Return of Building Permits Issued" for the December 2023 period.*

11 DEVELOPMENT SERVICES REPORTS

Nil

12 WORKS & SERVICES REPORTS

12.1 DEVELOPMENT APPLICATION - STRUCTURE APPROVAL FORREST STREET

File Ref: A553
Author: John Merrick, Acting Chief Executive Officer
Authoriser: John Merrick, Acting Chief Executive Officer
Applicant: Mr Allan Whitehouse
Location: 53 Forrest Street, Kellerberrin
Attachments: Attachment Item 12.1

BACKGROUND

An Application for Development Approval has been received from the owners of 53 Forrest Street Kellerberrin for an eight metre tall non-functioning windmill, which is to be used as a garden ornament for a climbing plant.



SITE

53 Forrest Street, Kellerberrin

Lot Number: 4

Zoning: Residential

Coding: Not coded

Proposed Use: Structure to support climbing plant

COMMENT

The structure complies with the setback requirement provisions of the Shire of Kellerberrin Local Planning Scheme Number 4, being 17 metres from the front boundary and 12 metres from the side boundary.

A site plan has been provided by the applicant which shows the location of the structure.

Shire of Kellerberrin Local Planning Scheme

Local Planning Scheme No.4

Zone: General Agriculture

3.2.2 Town Centre Zone

- a) To ensure the town centre remains the principal place for business and administration within the District
- b) To encourage a high standard of development including buildings, landscaping and car parking.

4.7 COMMERCIAL DEVELOPMENT

4.7.1 Commercial development shall not exceed two (2) storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.

4.7.2 In considering an application for development approval for a proposed commercial development (including additions and alterations to existing development) in the town centre the local government shall have regard to the following:

- a) the colour and texture of external building materials; the local government may require the building façade and side walls to a building depth of 3m to be constructed of masonry;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lot;
- d) architectural style and design details of the building;
- e) function of the building;
- f) relationship to surrounding development; and
- g) other characteristics considered by the local government to be relevant.

4.7.3 Landscaping should complement the appearance of the proposed development and town centre.

4.7.4 The layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carpark.

4.7.5 All other development standards for development in the Town Centre zone are at local government's discretion.

Planning and Development Local Planning Schemes Regulations 2015

1A. Heritage-protected places

- (1) A heritage-protected place is a place —
 - a. that is entered in the State Register of Heritage Places under the Heritage Act 2018 section 42; or

- b. that is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or
- c. that is the subject of an order under the Heritage Act 2018 Part 4; or
- d. that is the subject of a heritage agreement that has been certified under the Heritage Act 2018 section 90; or
- e. that is included on a heritage list as defined in clause 7; or
- f. that is within a heritage area as defined in clause 7.

Heritage place means a place that is on the heritage list or located in a heritage area;

When undertaking certain works for places on the State Register, a development referral is required under the Heritage Act 2018.

Local Planning Policy- Sea Containers

5.0 POLICY STATEMENT

5.1 Exemptions from planning approval Planning consent is not required for:

- a) the use of sea containers fully enclosed within a building.
- b) the loading or unloading of containers for shipping, provided that the container(s) does not remain on the lot for longer than seven (7) days.
- c) the use of up to two (2) containers on land in the General Agriculture or Industrial zones (per rate notice),
- d) the temporary storage of equipment and materials during construction works (maximum of 12 months), where: i. building approval has been issued for the construction works and remains valid; and ii. the sea container has been removed from the site within a month of completing construction works.

5.2 General Requirements for Sea Containers

5.2.1 Unless exempt from planning approval requirements specified in Clause 5.1 above, Approval by the Shire is required for use of all sea containers. Sea containers shall:

- i. comply with the requirements of the Scheme;
- ii. comply with the criteria set out in Table 1 of this policy; I. be used as detached outbuildings and not as ancillary accommodation; II. be fitted with doors that can be opened from the inside to ensure safety of users;
- iii. be painted to match either the existing dwelling or other outbuildings on the lot;
- iv. be located a minimum of 1.8m from septic tanks, leach drains and utilities;
- v. be located to the rear of a the dwelling on the lot (as depicted in Schedule 1 of this Policy);
- vi. be suitably screened from road frontages, public space and neighbouring properties. Where a sea container is visible from a public space, the installation of screening to a minimum height of that of the sea container may be required; and
- vii. not be located on vacant land in the Residential, Rural Residential, Rural Townsite and Town Centre zones unless for the storage for building and construction purposes, as outlined in Clause 5.1 (d).

- 5.2.2 If a landowner wishes to exceed the acceptable standards in Table 1, the application will be formally referred to Council for determination.
- 5.2.3 Sea containers will not be permitted for habitable use or conversion for habitable use unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated. The use of sea containers as a dwelling is considered a repurposed dwelling under the Scheme and all applications should comply with the provisions of Scheme, Residential Design Codes (R-Codes) and Local Planning Policy 4.0 'Repurposed and Second Hand Dwellings'.
- 5.2.4 Sea containers are to be included in the gross total allowable area for outbuildings and are required satisfy open space requirements as set out in the R-Codes. Gross total area maximums are outlined in Local Planning Policy 1.0 'Outbuildings' (Section 7).
- 5.2.5 Sea containers that are not permanent are not required to conform with Clauses 5.2.1 (ii) and (v) or the special requirements in table 1).
- 5.2.6 All applicants will be required to gain a building permit from the Shire of Kellerberrin

Zone (s):	Setback:	Number and size of Sea Container(s) allowed:	Special requirements:
Town Centre	In accordance with the R-Codes	1 x 12m (40 ft)	<p>The sea containers shall be fitted with a pitched roof.</p> <p>The sea container shall not compromised or obstruct vehicle access ways, vehicle truncations, access to parking areas or parking bays provided on the site.</p> <p>The sea container shall only be used for storage purposes.</p>
Residential and Rural Townsite	In accordance with the R-Codes	1x 12m (40 ft)	<p>The sea container shall be fitted with a pitched roof.</p> <p>The sea containers shall be used in association with the approved use of the property.</p>

Planning and Development (Local Planning Scheme) Regulations 2015

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- any approved State planning policy;
- any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- any policy of the Commission;
- any policy of the State;
- any local planning policy for the Scheme area;
- any structure plan, activity centre plan or local development plan that relates to the development;
- any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;

- k) the built heritage conservation of any place that is of cultural significance;
- l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) the amenity of the locality including the following —
 - i. environmental impacts of the development;
 - ii. the character of the locality;
 - iii. social impacts of the development;
- o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- s) the adequacy of —
 - i. the proposed means of access to and egress from the site; and
 - ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- u) the availability and adequacy for the development of the following —
 - i. public transport services;
 - ii. public utility services;
 - iii. storage, management and collection of waste;
 - iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - v. access by older people and people with disability;
- v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- w) the history of the site where the development is to be located;
- x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- y) any submissions received on the application;
- za) the comments or submissions received from any authority consulted under clause 66;
- zb) any other planning consideration the local government considers appropriate.

STRATEGIC PLAN IMPLICATIONS

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

An application fee of \$147 is applicable for the application.

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner
-

CORPORATE BUSINESS PLAN IMPLCATIONS

(Including Workforce Plan and Asset Management Plan Implications)

Nil

TEN YEAR FINANCIAL PLAN IMPLCATIONS

Nil

ABSOLUTE MAJORITY REQUIRED – YES/NO

No

STAFF RECOMMENDATION

That Council agree to issue Planning Approval for the structure in accordance with the attached site and structure plans subject to the fan being modified to prevent rotation.

-
- 13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- Nil
- 14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

15 CONFIDENTIAL MATTERS**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

15.1 Write Off Outstanding Balance - 35 Hammond Street Kellerberrin

This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

16 CLOSURE OF MEETING